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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Patrick D. Smith  
Application No. 09/712,812  
Filed: November 13, 2000  
Title: NETWORK QUALITY OF SERVICE LOCALIZER  
Art Unit: 2631  
Examiner: Kevin Michael Burd  
Docket No.: PD05924AM P01

Via Facsimile 703-872-9306  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**NEW OATH/DECLARATION**

Sir:

In response to the final Office Action, dated April 1, 2003, requirement for a corrected oath/declaration, as noted in paragraph 4 of the Action, is acknowledged. A new duly executed declaration for the above referenced application is filed herewith accordingly. This new declaration correctly claims priority to U.S. patent application 09/571,068 filed 05/15/2000 and 09/470,890 filed 12/22/1999.

Applicant respectfully requests that the enclosed declaration replace the declaration originally filed.

09/470,890

If a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact Applicants' undersigned attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

By: Karin L. Williams

Karin L. Williams, Attorney for Applicant

Reg. No. 36,721

Date 9/14/04

Mayer Fortkort & Williams PC  
251 North Avenue West, 2<sup>nd</sup> floor  
Westfield, NJ 07090  
Telephone: 908-518-7700  
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Certificate of Facsimile

I hereby certify that this correspondence and any document referenced herein is being sent by facsimile to the United States Patent and Trademark Office at 703-872-9306 on 9/15/04.

Debra Rosenbaum  
(Name of Person Transmitting Correspondence)

Debra Rosenbaum  
(Signature)

Docket: PD05924AMP01  
Page 1 of 3IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

## Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NETWORK QUALITY OF SERVICE LOCATOR

the specification of which

[ ] is attached hereto.

[X] was filed on November 13, 2000 as

Application Serial No.: 09/712,812  
and was amended on: 01/12/2003, 08/01/2003, 03/01/2004 and 08/05/2004  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

NONE

I hereby claim the benefit under Title 35 USC 119(e) of any United States provisional application(s) listed below:

NONE

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/571,068 filed 05/15/2000  
09/470,890 filed 12/22/1999

Page 2 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith, and all business related to non-United States national, regional, and international patent applications corresponding therewith.

Stuart H. Mayer, Esq.	(Reg. No. 35,277)
Karin L. Williams, Esq.	(Reg. No. 36,721)
Michael P. Fortkort, Esq.	(Reg. No. 35,141)
David B. Bonham, Esq.	(Reg. No. 34,297)
Heather L. Mansfield, Esq.	(Reg. No. 39,157)
Keum J. Park, Esq.	(Reg. No. 42,059)

Please address all correspondence to: Karin L. Williams, Esq.  
Mayer Fortkort & Williams, PC  
251 North Avenue West, 2<sup>nd</sup> Floor  
Westfield, NJ 07090

Direct all telephone calls to: Karin L. Williams, Esq.  
(908) 518-7700 Telephone  
(908) 518-7795 Facsimile

#### CUSTOMER NUMBER 27774

I also hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

John V. Silverio	Reg. No. 34,014
Esteban Rockett	Reg. No. 55,578

Whose address is as follows:

Motorola, Inc., Broadband Communications Sector  
101 Tournament Drive  
Horsham, PA 19044  
Telephone: (215) 323-1000  
Fax: (215) 323-1300

SIGNATURE PAGE

Page 3 of 3

1. Full name of first joint inventor: Patrick D. Smith

Inventor's signature ✓ \_\_\_\_\_

Date ✓ \_\_\_\_\_

Residence: Deerfield, Illinois

Citizenship: USA

Post Office Address: 927 Rosemary Terrace  
Deerfield, Illinois 60015

2. Full name of second joint inventor: Robert G. Uskali

Inventor's signature ✓ Robert G. Uskali

Date ✓ 8-23-04

Residence: Schaumburg, Illinois

Citizenship: USA

Post Office Address: 1504 Coventry Road  
Schaumburg, Illinois 60195

Docket: PD05924AMP01  
Page 1 of 3**IN THE UNITED STATES  
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101 Tournament Drive  
Horsham, PA 19044  
Telephone: (215) 323-1000  
Fax: (215) 323-1300

SIGNATURE PAGE

Page 3 of 3

1. Full name of first joint inventor: Patrick D. Smith

Inventor's signature ✓

Date ✓ 8/23/04

Residence: Deerfield, Illinois

Citizenship: USA

Post Office Address: 927 Rosemary Terrace  
Deerfield, Illinois 60015

2. Full name of second joint inventor: Robert G. Uskali

Inventor's signature ✓

Date ✓

Residence: Schaumburg, Illinois

Citizenship: USA

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**Mayer Fortkort & Williams, PC**  
**Attorneys At Law**

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To: Examiner Kevin Michael Burd From: Debra Rosenbaum

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Phone: Date: September 15, 2004

Re: 09/712,812 CC:

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- New Oath/Declaration

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